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STATE FOR EEB/TRA/OTP (JOHN EMERY)  
WHA/CAR (JOE TILGHMAN)  
DHS:TSA (AGIOVANNIELLO)  
DHS/FAMS (DHOLLEY)

E.O. 12958: N/A

TAGS: [EAIR](#) [PGOV](#) [PTER](#) [KTIA](#) [JM](#) [XL](#)

SUBJECT: JAMAICA: REPLY TO FEDERAL AIR MARSHAL SERVICE REQUEST  
DIPNOTE

REF: 07 STATE 7834 (221953Z JAN 07)

¶1. In response to post's diplomatic note no. 2007-019 of January 30, 2007 (reftel), the Government of Jamaica (GoJ)'s Ministry of Foreign Affairs and Foreign Trade (MFAFT) has delivered the below GoJ diplomatic note no. 358/803/3, dated 4th December, 2007. The GoJ's note contains a number of proposed changes reflected in bold text; for ease of reference, these proposed changes are in quotation marks below. A copy of the original of the below note will be faxed to WHA/CAR.

(Begin text of GoJ's diplomatic note no. 358/803/3)  
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The Ministry of Foreign Affairs and Foreign Trade presents its compliments to the Embassy of the United States of America and has the honour to acknowledge receipt of the Embassy's Note No. 2007-019 dated January 30, 2007 proposing an arrangement between the Government of the United States of America and the Government of Jamaica on the deployment of Air Marshals of both countries.

The Ministry of Foreign Affairs and Foreign trade has the further honour to recommend that the proposed arrangements be amended as follows:

Section 1  
Purpose and Definitions

¶1. The purpose of this arrangement is to enhance the security of charter and regularly scheduled commercial combination flights between the territories of the participants by providing a framework for the deployment of Air Marshals on such flights.

¶2. " It is agreed that all obligations and powers to be exercised pursuant to this arrangement shall be carried out in accordance with and subject to the provisions of the Convention on Offences and Certain Other Acts Committed On Board Aircraft (the 'Tokyo Convention'), the Convention for the Suppression of Unlawful Seizure of Aircraft (the 'Hague Convention'), and the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation ('Montreal Convention') "

¶3. For the purpose of this arrangement:

a. 'Air Marshal' means a person who is employed, trained and accredited by the Government of the Sending State, to a standard acceptable to the Receiving State, to travel on an aircraft "registered in the Sending State" to provide security for that aircraft and its passengers and crew.

"b.'Participants' means the Governments of Jamaica and the United States of America."

"d."((sic)) 'Sending State' means the State of registration of the aircraft.

"c."((sic)) 'Receiving State' means the State "other than the Sending State" whose government is the other participant in this arrangement.

## Section 2 Scope of Arrangement

¶1. This arrangement applies to aircraft that engage in charter and scheduled combination air services, that are registered in one "P"articipant, and that operate between the territories of the "P"articipants.

¶2. This arrangement will also apply to aircraft that in charter and scheduled combination air services between the territories of a "P"articipant and a third state, and that are diverted to the territory of the other "P"articipant.

## Section 3 "Obligations" of the Sending State

"The Sending State shall:"

a) prior to the departure of a flight carrying its Air Marshals, ensure that the Air Marshals have the appropriate visa to enter the Receiving State;

b) prior to the departure of a flight carrying its Air Marshals, "instruct the Air Marshals to declare all weapons equipment to police and customs authorities in the Receiving State on landing and to comply with the customs laws of the Receiving State;

c) "prior to the departure of the flight carrying its Air Marshals, advise the Receiving State<sup>3</sup> of the identity of the Air Marshals on board the aircraft and the type and number of weapons and equipment that the Air Marshals will be carrying."

d) "in the event of" an incident on board the aircraft, advise the Receiving State as soon as the Sending State becomes aware of this incident; and

e) "in the event of" an incident on board the aircraft and the alleged offender(s) is (are) detained or arrested and not returned to the Sending State, ensure that the Air Marshals hand the offender(s) over to the Receiving State upon landing.

## Section 4 "Obligations" of the Receiving State

¶1. "The Receiving State shall:"

a. facilitate, in accordance with its laws, the admission into and departure from its territory of Air Marshals of the Sending State;

b. permit, in accordance with its laws, the entry into and departure from its territory of the weapons and equipment of Air Marshals of the Sending State; and

c. take delivery of any person or persons in the custody of Air Marshals of the Sending State upon arrival in the receiving State.

## Section 5 Operational Arrangement

¶1. This arrangement "shall be implemented in accordance with" operational procedures "to be agreed" in writing between the "P"articipants.

¶2. These operational procedures "shall" be in accordance with the terms of this agreement "as set out herein."

¶3. Neither "Participant shall" disclose to third "S"tates or to "any person or entity" the content of the operational procedures without the consent of the other "P"articipant.

## Section 6

## Observance of Laws of Sending State by Air marshals

The participants "shall ensure" that, in the performance of their duties during the flight while in the Sending State, and from the point the doors of the aircraft are closed for takeoff, and until any external aircraft doors are open for disembarkation, Air Marshals operating under this arrangement will exercise their powers in accordance with the laws of the Sending State.

### Section 7

#### Direction of Air Marshals

The Sending State "shall" direct the law enforcement activities of its Air Marshals that take place during the flight while in the Sending State and from the point the doors of the aircraft are closed for takeoff and until any external aircraft doors are open ((sic)) for disembarkation.

### "Section 8

#### Effective Date

These arrangements shall take effect on a date to be agreed in writing by the Participants by exchange of Diplomatic Notes.

Signed this --- day of ---- 2007 ((sic))

For the Government of Jamaica -----

For the Government of the United States of America -"

The ministry of Foreign Affairs and Foreign Trade avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

(End text of GoJ's diplomatic note no. 358/803/3)  
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12. Post requests that Department advise the appropriate reply to the GoJ's above diplomatic note.

HEG